

# Exhibit 1

**BELDOCK LEVINE & HOFFMAN LLP**  
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**NEW YORK, N.Y. 10016**

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(JUSTICE, NYS SUPREME COURT, RET.)  
FRANK HANDELMAN

REF:  
**854600**  
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**212-277-5883**  
**jkinkle@blhny.com**

July 27, 2022

**Via FedEx and Email (dmca@stites.com)**

Fine Art America  
ATTN: Copyright Agent  
2202 Main Street  
Santa Monica, CA 90405

Re: *Notification of Copyright Infringement of Misty Mountains*

Dear Copyright Agent,

My firm represents the artist Debra Ann Reilly. Ms. Reilly is the creator and copyright holder of an oil painting entitled "Misty Mountains" (2011). Ex. A. "Misty Mountains," which depicts the sun shining onto mountains through a misty sky, is painted in an abstract impressionist style that also makes use of pointillist techniques. The painting was created in 2009, first published in November 2011, and was registered with the United States Copyright Office that same month (VA0001810126). Ex. B. Ms. Reilly is the exclusive rights holder to "Misty Mountains."

It has recently come to our attention that a seller on the Fine Art America online marketplace, Archangelus Gallery, is passing off "Misty Mountains" as its own original work and selling items that infringe on Ms. Reilly's copyright. Ex. C. Archangelus Gallery has been selling these items since at least June 10, 2015, under the title "Painting," and listing the artist as "Archangelus Gallery." Ms. Reilly has no relation with Archangelus Gallery and has never given Archangelus Gallery authorization to sell any prints or items incorporating "Misty Mountains."

- The infringing material is located at the follow URLs:
  - <https://fineartamerica.com/featured/2-painting-matteo-totaro.html>

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- <https://images.fineartamerica.com/images/artworkimages/mediumlarge/1/2-painting-matteo-totaro.jpg>

Ms. Reilly demands that Fine Art America remove the infringing material from its online marketplace immediately. I am providing this notice in good faith and with reasonable belief that Ms. Reilly's rights are being infringed. Under the penalty of perjury, I certify that the information contained in this notification is both true and accurate, and that I am authorized to make this complaint on behalf of Ms. Reilly.

Please let me know if you need any more information from me or would like to schedule a time to discuss.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Kinkle", written in a cursive style.

Jeff Kinkle

Encl.

# Exhibit A



Debra Ann Reilly – *Misty Mountains* (2011)

# Exhibit B

**Copyright**  
United States Copyright Office

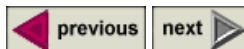
HelpSearchHistoryTitlesStart Over

## Public Catalog

Copyright Catalog (1978 to present)

Search Request: Builder = (debra ann reilly)[ in Name: All ]

Search Results: Displaying 2 of 2 entries



Labeled View

### *Misty Mountains.*

**Type of Work:** Visual Material

**Registration Number / Date:** VA0001810126 / 2011-11-18

**Application Title:** Misty Mountains.

**Title:** Misty Mountains.

**Description:** Electronic file (eService)

**Copyright Claimant:** Debra Ann Reilly. Address: 78-20 68th Road, Middle Village, NY, 11379.

**Date of Creation:** 2009

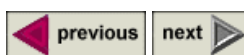
**Date of Publication:** 2011-11-01

**Nation of First Publication:** United States

**Authorship on Application:** Debra Ann Reilly; Domicile: United States; Citizenship: United States. Authorship: photograph(s), 2-D artwork, abstract impressionist oil painting.

**Rights and Permissions:** Debra Ann Reilly, 78-20 68th Road, Middle Village, NY, 11379, United States, (917) 912-8159, debraannreilly@earthlink.net

**Names:** [Reilly, Debra Ann](#)



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# Exhibit C





## Painting

by Archangelus Gallery



Wall A

\$41

[Home](#)

\$23



Lifest

\$36 ✓



### Static

\$5 ✓




Phone

\$21 ✓

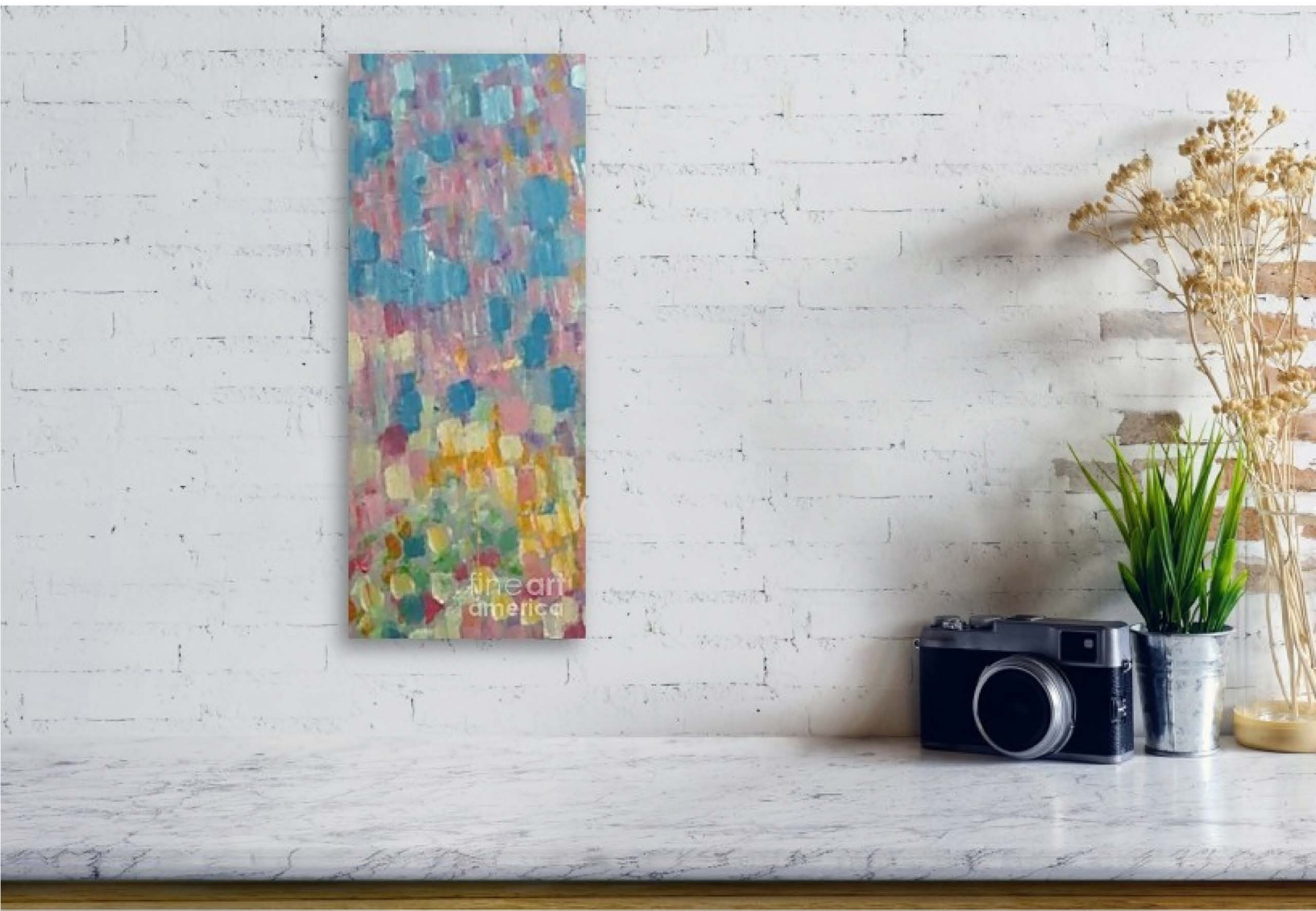
Price	\$5,000
Dimensions	40.000 x 120.000 x 2.000 cm.

This original painting is currently for sale. At the present time, originals are not offered for sale through the Fine Art America secure checkout system. Please contact the artist directly to inquire about purchasing this original.

[Click here](#) to contact the artist.

<b>Title</b> Painting
<b>Artist</b> Archangelus Gallery
<b>Medium</b> Painting
<b>Description</b> None
<b>Uploaded</b> June 10th, 2015
<b>Statistics</b> Viewed 171 Times - Last Visitor from Beverly Hills, CA on 07/26/2022 at 10:46 AM
<b>Colors</b> 
<b>Embed</b> <input feature\""="" fineartamerica.com="" https:="" type="text" value="&lt;a href='\"/>





Screenshot from Archangelus Gallery v. Close up of *Misty Mountains*

